

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFF A. MOYER,)
Plaintiff,)
) No. 1:12-cv-592
-v-)
) HONORABLE PAUL L. MALONEY
CHARLES J. KUHAREVICZ,)
Defendant.)
)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before this Court is a Report and Recommendation issued by the Bankruptcy Judge. (ECF No. 1.)

Although pled as a core proceeding to turn over property within the meaning of 28 U.S.C. § 157(b)(2)(E), the Bankruptcy Court questioned whether the matter was in fact a non-core proceeding because it included the collection of a contract claim under applicable state law. Following prior decisions involving similar facts, the court determined that this was a non-core proceeding, and it issued the present Report and Recommendation. Fed. R. Bankr. P. 9033(a). Federal courts have sanctioned the use of the report and recommendation vehicle under Rule 9033 for non-core and certain core proceedings. *See In re Norris*, 114 F.3d 1182, 1997 WL 256808, at * 11 (5th Cir. 1997) (per curiam) (unpublished opinion) (involving a report recommending a contempt finding in a core proceeding); *see also In re Steele Cattle, Inc.*, 39 F.3d 1192, 1994 WL 596627, at 3 (10th Cir. 1994) (unpublished table opinion) (commenting, in dicta, that Rule 9033 is not limited to contempt orders in non-core proceedings); *Hagan v. Okony*, No. 1:08-cv-732, 2008 WL 4722747 (W.D. Mich. Oct. 22, 2008) (Maloney, C.J.) (order adopting report and recommendation and noting the similarities between the Bankruptcy Code and Bankruptcy Rules

governing report and recommendations and the Federal Magistrate's Act, 28, U.S.C. § 636).

Once served with a report and recommendation, a party has fourteen days to file objections. Fed. R. Bankr. P. 9033(b); *see* 28 U.S.C. § 636(b)(1). The federal district court need only review those portions of the report and recommendation to which objections have been filed. Fed. R. Bankr. P. 9033(d); *see* 28 U.S.C. § 636(b)(1).

More than fourteen days have passed since the report and recommendation was filed and no objections have been received. Without determining whether the Bankruptcy Court had jurisdiction to enter a final order, because no objections have been filed, and because of the parties' interests in expedient litigation, the recommendations alone are ADOPTED.

Accordingly, **IT IS HEREBY ORDERED** that

1. The Recommendation (ECF No. 1) is **ADOPTED**.
2. Pursuant to 11 U.S.C. § 542, a money judgment in favor of Plaintiff Jeff A. Moyer and against Defendant Charles J. Kuharevicz is **GRANTED** for \$67,250.00.
3. **THIS ACTION IS TERMINATED.**

Date: July 16, 2012

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge